REMARKS

In response to the Office Action dated October 5, 2004, claims 1, 5, 6, 12, 17 and 20 have been amended. Claims 1-22 are in the case. Reexamination and reconsideration of the application, as amended, are requested.

Claims 1, 2 and 5 were rejected under 35 U.S.C. § 101 as being not directed to non-statutory subject matter.

The Applicant respectfully traverses this rejection. However, in an effort to expedite the prosecution of this case, the Applicant has amended the claims as suggested by the Examiner to overcome this rejection.

Claims 1, 2, 5-7, 9, 12 and 14-16 were rejected under 35 U.S.C. § 102(e) as being anticipated by Gabbard et al. (U.S. Patent No. 6,205,432). Claims 3, 4 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over by Gabbard et al. (U.S. Patent No. 6,205,432). Claims 10, 11, 13 and 17-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over by Gabbard et al. (U.S. Patent No. 6,205,432) in view of Anderson (U.S. Patent No. 6,532,039).

The Applicant respectfully traverses these rejections based on the amendments to the claims and the arguments below.

Specifically, with regard to the rejection under 35 U.S.C. § 102(e), the Applicant submits that Gabbard et al. et al. do not disclose all of the claimed features. Namely, the Applicant's invention includes displaying or transmitting on the computer device non-transparent hyper-linked advertisement content on the first layer that is related to the advertisement content on the second layer.

In contrast, Gabbard et al. clearly does **not** disclose displaying non-transparent hyper-linked ads on the web page that are related to the displayed transparent background ads like the Applicant's claimed invention. Although the Examiner stated that Gabbard et al. disclose the step of "...displaying related advertisement content..." (see page 6, sixth full paragraph of the Office Action), this statement by the Examiner is **incorrect**. Instead, Gabbard et al. **explicitly** state the opposite of the Examiner's statement, namely, "...this display does not necessarily affect current advertisement banners being displayed (see col. 4, lines 62-64 and col. 10, lines 1-25). This means the non-transparent hyper-linked advertisement content on the first layer related to the

advertisement content on the second layer of independent claims 1, 12, 17 and 20 and transmitting a second layer, comprising hyper-linked advertisement content of claim 6 **cannot** be present in Gabbard et al. Thus, since the claimed elements are not disclosed by Gabbard et al., it cannot anticipate the claims, and hence, the Applicants submit that the rejection should be withdrawn.

With regard to the rejection under U.S.C. 103(a) of the rest of the claims, the Applicants submit that the Gabbard et al. alone or in combination with Anderson do not disclose, teach, or suggest all of the elements of the Applicant's above argued claimed invention. As argued above, Gabbard et al. **explicitly** state the opposite of the Examiner's statement, namely, "...this display does not necessarily affect current advertisement banners being displayed (see col. 4, lines 62-64 and col. 10, lines 1-25). This explicit disclosure in Gabbard et al. is a **teaching away** from the Applicant's non-transparent hyper-linked advertisement content that is related to the transparent advertisement content.

In addition, Gabbard et al. also **explicitly** states that "[S]ince the advertisement is placed in the background....it is normally non-clickable, ie., not a hyperlink to another HTML page." (see col. 4, lines 38-39 of Gabbard et al.). This unquestionably is also a **teaching away** from the Applicant's claim 6, which includes transmitting a second layer with hyper-linked advertisement content because it contradicts the statements made in col. 4, lines 38-39. Hence, these elements of the Applicant's claimed invention would destroy the main function, purpose and spirit of Gabbard et al. As such, the above argued sections of Gabbard et al. that "teach away" prevent this reference from being used by the Examiner. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

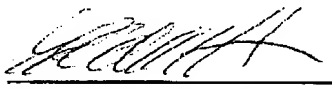
Consequently, since the claimed elements of non-transparent hyper-linked advertisement content on the first layer that related to the advertisement content on the second layer of independent claims 1, 12, 17 and 20 and transmitting a second layer, comprising hyper-linked advertisement content of claim 6 are not disclosed, taught or suggested by Gabbard et al. and because Gabbard et al., teaches away from the Applicant's invention, Gabbard et al. cannot render the claims obvious, which indicates a clear lack of a prima facie case of obviousness (*MPEP 2143*).

With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (818) 885-1575 if the Examiner has any questions or concerns. Please note that all correspondence should continue to be directed to:

Hewlett Packard Company
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

Respectfully submitted,
Dated: January 5, 2005



Edmond A. DeFrank
Reg. No. 37,814
Attorney for Applicants
(818) 885-1575 TEL
(818) 885-5750 FAX